

**IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.23261 of 2006

Dated: November 10, 2006

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Between:

Ch. Srinivasa Prasad, S/o. Ch. Seetharamaiah,
aged 38 years, R/o. Yanamalakuduru, Krishna
District – 520 007.

... Petitioner

And

Government of Andhra Pradesh, rep. by its Secretary,
Department of Animal Husbandry, Dairy Development
and Fisheries (AH-II), A.P. Secretariat, Hyderabad,
and others.

... Respondents

Order:

Petitioner, working as Assistant Professor in the Department of Physiology at NTR College of Veterinary Science, Gannavaram, Krishna District, has filed this Writ Petition seeking Mandamus to declare Section 3 (4) of Sri Venkateswara Veterinary University Act, 2005 ('the Act' for brevity) as illegal and arbitrary and consequential direction to the respondents to locate the university at a desirable

place along the coastline of Andhra Pradesh.

2. The State of Andhra Pradesh enacted Act 18 of 2005, namely, Sri Venkateswara Veterinary University Act, 2005 with a primary object of imparting education in different branches of Veterinary, Animal and Fishery Sciences; to undertake the extension of such sciences to the rural people of the State of Andhra Pradesh; and to promote research, field and extension programmes, production and post-harvest technology, including processing and marketing in Veterinary, Animal and Fishery Sciences. Section 3 and various sub-sections of the Act read as follows:

“3(1) There shall be constituted in, and for, the State of Andhra Pradesh, a University by the name of Sri Venkateswara Veterinary University which shall consist of a Chancellor, a Vice-Chancellor, a Board of Management and an Academic Council.

(2) The University shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(3) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suit and proceedings shall be issued to, and served on him.

(4) The Headquarters of the University shall be at Tirupathi in Chittoor District.

3. Petitioner has questioned the validity of the said provision mainly on the ground that experts in the field, people in general and representatives have requested to set up the said university in the coastal area and according to him it is an ideal place for locating the university.

4. Except the aforesaid ground, there is no other ground urged even though the *vires* of the statutory provision is questioned. As per

Section 3 (4) of the Act, the headquarters of the university shall be at Tirupathi, Chittoor District. When the said provision is made by a statutory enactment, it is not open for the petitioner to question the *vires* of the said provision only on the ground his earlier representations were not considered to locate the headquarters of the university along the coastline. In any event, petitioner, an Assistant Professor, at his individual choice, cannot question the said provision, but it is for the State to examine the same and locate the headquarters of the university taking into account the benefits of the entire State of Andhra Pradesh as mentioned in the objects of the university under Section 4 of the Act. Mere opinion of experts is not a ground at all to invalidate Section 3 (4) of the Act. In any event, no direction as sought can be given.

5. The Writ Petition is wholly misconceived and it is accordingly dismissed at the admission stage. No order as to costs.

JUSTICE R. SUBHASH REDDY.

November 10, 2006
MRR